

REMARKS

Claims 24, 25, 27, 28, 33 and 34 are presented for examination. To more clearly define the claimed invention, claim 24 has been amended to indicate that a purchase pick-up point of the multiple purchase pick-up points to the customer is automatically assigned based on the ID information provided by the customer.

Claims 24, 25, 27, 28, 33 and 34 have been rejected under 35 U.S.C. 102(e) as being anticipated by Publicover (US 2004/0236635).

Independent claim 24, as amended, recites a system for selling goods having multiple purchase obtaining facilities for enabling customers to obtain pre-ordered purchases, comprising:

- a storage facility for storing the goods,
- an ordering device for enabling a customer to place a purchase order,
- a telecommunication system responsive to the purchase order placed by the customer for requesting an ordered purchase to be delivered from the storage facility to a selected purchase obtaining facility.

The selected purchase obtaining facility comprises:

- multiple purchase pick-up points,
- a service area for keeping purchases delivered from the storage facility,
- an identification station for receiving identification (ID) data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase, and
- a control system configured for:
 - receiving the ID data from the identification station,
 - determining purchase information on the purchase order placed by the customer based on the ID data provided by the customer,

-based on the ID data provided by the customer, automatically assigning a purchase pick-up point of the multiple purchase pick-up points to the customer, and

-based on the determined purchase information, issuing a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer.

The Examiner relies upon paragraphs 0040, 0043 and 0055 of the reference for disclosing the claimed invention.

The reference discloses a distribution system having designated sites (DSs), where an ordered package can be picked up. As indicated in paragraph 0040, the DS includes an interface that verifies the individual's ID and allows him to enter by releasing the door.

However, the reference does not teach or suggest receiving the ID data from the identification station to automatically assign a purchase pick-up point of the multiple purchase pick-up points to the customer, and issue a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer, as claim 24 requires.

In paragraph 0043, the reference indicates that the DSs could be located at many types of sites, including an office of corporation, a central parking facility, a mass transit terminal, etc,

In paragraph 0055, the reference describes automated delivery into the customer's personal vehicle. In this case, the DS involves a manual or robotic delivery vehicle going to the customer's car. When the customer's package is scheduled for delivery to the DS, the customer would be notified by e-mail, telephone or pager and instructed to park his vehicle in a predetermined parking space at the DS parking lot. The delivery vehicle would then approach the customer's vehicle, which would have an identifying tag on it. The delivery vehicle identifies that customer's vehicle by the tag to confirm that the car belongs to the correct customer. Upon

completion of this digital verification, the trunk of the customer's vehicle will be opened, and the robot will place the goods in the trunk. Closing the lid serves as a signal to confirm delivery.

Hence, by contrast with the claimed invention, the parking space is assigned to customer before he arrives at the DS. Further, the assignment of the parking space and delivery of the package to the parking space is not performed based on the ID data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase, as claim 24 requires.

Accordingly, the delivery of the package to the parked vehicle described by the Publikover reference does not involve:

the claimed identification station for receiving identification (ID) data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase, and

the claimed control station configured for:

- receiving the ID data from the identification station,
- determining purchase information on the purchase order placed by the customer based on the ID data provided by the customer,
- based on the ID data provided by the customer, automatically assigning a purchase pick-up point of the multiple purchase pick-up points to the customer, and
- based on the determined purchase information, issuing a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer.

Although the embodiment of Publikover described in paragraph 0040 involves identifying customer to allow him to entry DS, this embodiment does not teach or suggest that based on the ID data provided by the customer, a purchase pick-up point of the multiple purchase pick-up points is automatically assigned to the customer, and that based on the determined

purchase information, a request is issued for delivery of the ordered purchase from the service area to the purchase pick-up point assigned to the customer.

Accordingly, neither in the embodiment described in paragraph 0040, nor in the embodiment in paragraph 0055, the reference discloses receiving the customer's ID data from the identification station to automatically assign a purchase pick-up point of the multiple purchase pick-up points to the customer based on the ID data, and issue a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer based on the purchase information determined in accordance with the ID data, as claim 24 requires.

It is noted that if the embodiments described in paragraphs 0040 and 0055 were combined, the combined teaching would suggest assigning parking spaces before the customer arrives at the DS, i.e. before he or she is identified. Therefore, the combined teaching would not disclose the claimed assignment of pick-up points based on the ID data and the claimed request for delivery to the assigned pick-up point based on the purchase information determined in accordance with the ID data.

Hence, the reference neither expressly nor inherently discloses the claimed invention. Hence, the claimed subject matter is defined over the reference within the meaning of 35 U.S.C. 102.

Moreover, it is noted that the teaching of the reference is not sufficient to suggest the claimed arrangement to one skilled in the art. Therefore, the claimed subject matter is not obvious over the reference.

In accordance with the present invention, pick-up points are automatically assigned to customer arriving at the pick-up facility based on ID data, in order to reduce waiting lines, i.e. to increase the throughput of the pick-up facility.

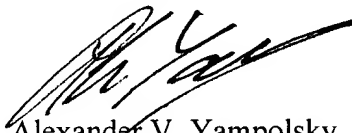
One skilled in the art would realize that if the pick-up points are assigned before customers are arrived at the pick-up facility, one pick-up point may be assigned to several customers arriving simultaneously. At the same time, another pre-assigned pick-up point may be empty waiting for customers. Accordingly, the assignment system suggested by the reference is not able to address the problem solved by the present invention, i.e. to increase the throughput of the pick-up facility.

In view of the foregoing, and in summary, claims 24, 25, 27, 28, 33 and 34 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:apr
Facsimile: 202.756.8087
Date: August 25, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**